

REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the receipt of the office action dated July 27, 2007, and completion of the personal interview of September 20, 2007. The Examiner's suggestions and observations are much appreciated and summarized herein.

Claims 1-14 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of copending Application No. 10,394,973. In the event that the double patenting rejection is maintained, the Applicant will file a terminal disclaimer in order to overcome such rejection.

Claims 1, 2, 4-9, 11-23 and 25-28 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No 2003/0142345 to Bunn et al. Claims 3, 10 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bunn in view of U.S. Patent No. 6,924,826 to Nakagiri et al. In view of the amendments and arguments set forth below, it is submitted that all claims are patentably distinct over the art of record.

The subject application is directed to a system and method for printing documents from a portable data device. A print request is received from an associated portable data device, wherein the print request includes a selected one of a request for a printout of electronic document data stored on the portable data device, identification data corresponding to an origin of a received print request, and reference data representative of an electronic document stored in a location other than the portable data device. A data connection type between the portable data device and the printing device is sensed and a transmission protocol for transmission of the electronic document is selected in accordance with an output of the step of sensing. In the event that a first connection type is unavailable, at least a second alternative connection type is tested for availability. In one embodiment, testing proceeds first to a better connection alternative, such as a wired connection, and then to a less robust alternative, such as a wireless connection. Other alternatives that may have relatively less robust characteristics are also suitably used, such as Bluetooth or dialup connections. A representative, hierarchical ordering of connection alternatives is illustrated in Figure 5 of the subject application. Document data representative of a document for which a printout is desired is received via a protocol established in the step of selecting a

protocol, the document data is formatted, and then communicated to the selected associated printing device so as to facilitate printing a document therefrom.

Bunn is directed to a printing system that allows for printing by reference of electronic documents in accordance with a selection made via a wireless device. In paragraph 13 of Bunn, it is noted that different protocols may be used. However, Bunn fails to disclose any system by which alternative protocols may be tested for so that an acceptable communication format is established. The subject application teaches a system and method that tests for a particular communication connection type, and subsequently tests for an alternative connection type in the event that the first is unavailable. No such alternative connection testing is contemplated by Bunn. In addition to the forgoing, the subject application contemplates in one embodiment, a system and method that tests first for a more desirable connection, and falls back to a less desirable connection in the event the first is unavailable. By way of further example, one embodiment includes testing multiple levels. First a wired network, such as Ethernet, is tested. In the event that this is unavailable, one or more alternative wireless connections are tested for. Finally, resort is made to a testing for a dialup connection which is typically associated with slow data transfer characteristics. Once a connection has been established, a corresponding protocol for that connection is established such that document transfer is facilitated.

Amendment to each independent claim has been made to emphasize the afore-noted distinctions over the art of record. More particularly, all claims now include limitations directed to testing for at least one primary connection type and at least a second connection type in the event the primary is unavailable. A data transmission protocol is established in accordance with an established connection, and a file transfer is accomplished accordingly.

The deficiencies in Bunn are not remedied by any additional teachings of Nakagiri, which is cited relative to its teachings as to spooling.

In view of the discussions of the personal interview, as supplemented by the amendments and comments herein, it is respectfully submitted that all claims are patentably distinct over the art of record and in condition for allowance thereover. An early allowance of all claims is respectfully requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 66329/00239.

Respectfully submitted,



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